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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SHANE D. MOSLEY, SR.,

*Plaintiff,*

vs.

VICTOR CONTE,

*Defendant.*

Case No. 08-Civ-1777 (JSW)

**NOTICE OF CROSS-MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

**PLEASE TAKE NOTICE** that upon the annexed: (a) Declaration of Judd Burstein, dated June 16, 2008, and the annexed Exhibits; (b) Declaration of Plaintiff Shane D. Mosley, Sr., dated June 16, 2008, and the annexed Exhibit; and (c) Plaintiff's Memorandum of Points and Authorities dated June 16, 2008, Plaintiff will move this Court, before the Honorable Jeffrey S. White, U.S.D.J., in the United States Courthouse, Northern District of California, 450 Golden Gate Avenue, San Francisco, California, 94102, on August 22, 2008, at 9:00 o'clock in the forenoon: (i) pursuant to Cal. Code Civ. Proc. § 425.16(c), seeking the costs and attorneys' fees associated with opposing

1 defendant Victor Conte's frivolous motion to strike the complaint pursuant to Cal. Code Civ. Proc.  
2 § 425.16; with (ii) such other and further relief as this Court deems just and proper.

3 Dated: New York, New York  
4 June 16, 2008

JUDD BURSTEIN, P.C.

By

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